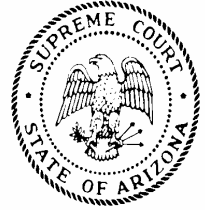




**ARIZONA SUPREME COURT
ORAL ARGUMENT CASE SUMMARY**



State of Arizona v. Michael Joe Murdaugh
No. CR-01-0421-AP

Parties and Counsel:

Appellant: Michael Joe Murdaugh is represented by Michael S. Reeves and Michael G. Tafoya

Appellee: The State of Arizona is represented by the Arizona Attorney General's Office, by Chief Counsel of the Capital Litigation Section, Kent E. Cattani and Assistant Attorney General Dawn M. Northup

Facts:

In 1995, Appellant was living with his girlfriend and Douglas Eggert. Appellant suspected that Eggert was stealing from him and that Eggert intended to hurt certain people close to Appellant. Consequently, Appellant decided to kill Eggert. Appellant first attempted to sedate Eggert by forcing him to drink a mixture of beer and Valium. When that attempt proved unsuccessful, Appellant ordered Eggert to climb into the cross-bed toolbox on Appellant's truck. Appellant and his girlfriend drove Eggert to the Central Arizona Project Canal. At the canal, Appellant ordered Eggert out of the toolbox and directed him to get on his knees. Appellant gave a gun to his girlfriend and told her to shoot Eggert. When she refused, Appellant retrieved a nylon bat from his truck and used it to beat Eggert to death. Appellant then pushed Eggert's body into the canal where it was recovered several days later.

A few weeks after the Eggert murder, Appellant's girlfriend met David Reynolds at a gas station. When Appellant's girlfriend returned home, she told Appellant that Reynolds had propositioned her. Appellant decided to teach Reynolds a lesson. Appellant's girlfriend paged Reynolds and invited him to Appellant's home. Appellant left with a friend and instructed his girlfriend to page him as soon as Reynolds arrived.

Appellant received the page from his girlfriend and returned home to confront Reynolds. He and his friend armed themselves with a rifle and a handgun and stormed into the house. Appellant began yelling at Reynolds and ordered him to empty his pockets onto the coffee table. Appellant continued to yell at Reynolds while Appellant's girlfriend and friend went outside to take anything of value from Reynolds' van. After keeping Reynolds in the living room for several hours, Appellant decided to move him into the garage so Appellant could "figure things out." Appellant marched Reynolds from the house to his three-bay detached garage and placed him in the trunk of a car. Reynolds remained in the trunk until the following morning.

In the meantime, Appellant and his friend decided to dispose of Reynolds' van. After dumping the van, Appellant stopped for gas and picked up a third friend. The three returned to Appellant's home and went into the detached garage to inject methamphetamine. Appellant heard Reynolds knocking from inside the trunk and Reynolds told Appellant that he had to use the restroom. Appellant let Reynolds' out of the trunk. When Reynolds turned his back to urinate, Appellant used the nylon bat and a jackhammer spike to beat Reynolds to death. Appellant left Reynolds' body in the garage for the remainder of the day.

Late that night, Appellant and his friend loaded Reynolds' body into Appellant's horse trailer. Appellant then left with his horses and dogs to go camping. After he arrived at his campsite, Appellant dismembered Reynolds' body. Appellant also pulled the teeth from Reynolds' head and cut the fingerpads from his hands. Appellant took Reynolds' body into the forest and buried his torso in one grave and his head and hands in another. Back at his campsite, Appellant cut himself in the leg when he was cleaning his horse's hooves. He went to a nearby hospital for treatment and it was there that he was ultimately arrested.

Appellant pled guilty to both the Eggert murder and the Reynolds murder. The State agreed that it would not seek the death penalty for the Eggert murder but reserved the right to use that conviction as an aggravating factor in the Reynolds murder.

Before the sentencing hearing on the Reynolds murder, Appellant elected to waive mitigation. The trial judge ordered the State to present mitigation and proceeded to sentencing. The judge found the following aggravating factors: Appellant had been convicted of another offense for which a sentence of life imprisonment or death was imposable and the murder was committed in a cruel, heinous, or depraved manner. The judge did not find any statutory mitigation, but found the following seven non-statutory mitigating circumstances: 1) impairment from the use of crystal methamphetamine at the time of the offense; 2) impairment from chronic drug use; 3) personality disorder; 4) paranoid thoughts; 5) impact of the combination of drug use, personality disorder, and paranoid thoughts on mental abilities; 6) cooperation with law enforcement; 7) lack of prior criminal convictions; and 8) desire to spare his family and victim's family from trial. The court found that the proffered mitigation was insufficient to call for leniency and sentenced Appellant to death on November 26, 2001.

An automatic notice of appeal was filed for Appellant under Rule 31.2(b) of the Arizona Rules of Criminal Procedure.

Issues:

1. Did Appellant make a knowing waiver of his Sixth Amendment right to have a jury determine his sentence?
2. Did reversible error occur when the trial judge, instead of a jury, sentenced Appellant to death under a procedure held unconstitutional in *Ring v. Arizona*, 536 U.S. 584 (2002)?

This Summary was prepared by the Arizona Supreme Court Staff Attorney's Office solely for educational purposes. It should not be considered official commentary by the court or any member thereof or part of any brief, memorandum or other pleading filed in this case.